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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/970,085

10/04/2001

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5562-800

9520

7590

08/13/2003

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EXAMINER

CHIESA, RICHARD L

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/970,085

Applicant(s)

CONRAD ET AL

Examiner

RICHARD L. CHIESA

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on July 14, 2003

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1, 3, 5, and 8-59

is/are pending in the application.

Of the above claim(s) 5, 20, 21, 23, 24, and 29-59

is/are withdrawn from consideration.

☒ Claim(s) 1, 3, and 8-16

is/are allowed.

☒ Claim(s) 17-19, 22, and 25-28

is/are rejected.

☐ Claim(s)

is/are objected to.

☒ Claim(s) 1, 3, 5, and 8-59

are subject to ~~amendment~~ election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

SN 09/970,085

## DETAILED ACTION

### *Response To Amendment*

- (1.) The amendment filed on July 14, 2003 has been entered.

### *Election Of Species*

- (2.) Claims 5, 20, 21, 23, 24, and 29-59 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species. Election was made **without** traverse in Paper No. 9, filed on December 9, 2002.

### *Claim Rejections – 35 USC 103*

- (3.) Claims 17-19, 22, and 25-28 are again rejected under 35 USC 103(a) as being unpatentable over Inculet ('168) in view of Frey et al as applied in paragraph 9 on pages 4 and 5 of the last Office action (Paper No. 10) dated January 15, 2003. Contrary to applicants' comments, the use of an alternating electrical voltage source in the Inculet ('168) is only one possible mode of operation (note col. 8, lines 40-52). Furthermore, Inculet ('168) apparently discloses that a constant single or uniform polarity can also be employed in the vacuum cleaner gas filter and filtration process but it is not as efficient as an alternating polarity (note col. 7, line 39 to col. 8, line 18).
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(4.) Claims 17-19, 22, and 25-28 are also rejected under 35 USC 103(a) as being unpatentable over the prior art as applied above in paragraph 3 and further in view of Joannou ('586). The prior art, as described above in paragraph 3, discloses an air filter and filtration process substantially as claimed with the possible exception of a constant single or uniform polarity. Joannou ('586) teaches the use of a non-alternating electrical voltage source in an air filter and filtration process for the purpose of ensuring a safe operation (note Figures 1-5, and col. 1, line 6 to col. 2, line 45). Consequently, it would have been obvious to one of ordinary skill in the art to employ a non-alternating electrical voltage source in the prior art air filter and filtration process in order to facilitate a safe operation as taught by Joannou ('586).

***Allowable Subject Matter***

(5.) Claims 1, 3, and 8-16 are allowed.

(6.) Withdrawn claim 5 would be allowable if amended to depend from claim 1 or 3 instead of cancelled claim 2.

***Response To Arguments***

(7.) Applicants' arguments have been carefully reviewed but are found to be unpersuasive because Inculet ('168) apparently discloses that a constant polarity may alternatively be employed. Furthermore, Joannou (586) also discloses the use of a constant polarity as now claimed.

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### *Conclusion*

(8.) Applicants' amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

(9.) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (703) 308-3791.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (703) 308-0661.

Facsimile correspondence to Art Unit 1724 must be transmitted through (703) 872-9310. However, any facsimile correspondence in response to a final action must instead be transmitted through (703) 872-9311. These numbers are for Art Unit 1724 correspondence only.

Richard L. Chiesa  
August 11, 2003

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724**

*Aug. 11, 2003*

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